

REMARKS

Claim Amendments

The Applicant has amended claim 18 to specify:

- (i) the dispersant is present at about 0.15 wt % to about 2.5 wt % of the composition;
- (ii) the primary metal hydrocarbyl dithiophosphate is a primary zinc hydrocarbyl dithiophosphate;
- (iii) the primary zinc hydrocarbyl dithiophosphate is present at about 0.2 wt % to about 4 wt % of the composition.

Support for the specified ranges of the dispersant and the primary zinc hydrocarbyl dithiophosphate is located in the application as filed in paragraphs [0026] and [0031] respectively.

Support for specifying a primary zinc hydrocarbyl dithiophosphate is located in the application as filed in paragraph [0028].

Claim 36 is new. The claim specifies a composition within the scope of claim 18. Support for the ranges of dispersant and the primary zinc hydrocarbyl dithiophosphate are located in the application as filed in paragraphs [0026] and [0031] respectively.

Accordingly it is submitted that the amendments as presented are fully supported by the application as filed and do not add subject-matter.

No other elements of the claims have been amended.

Remarks

The Examiner has rejected claims 18-19, 21-28 and 31-35 under 35 U.S.C. 103(a) as being unpatentable over LeSuer (US 3,708,522) in view of Stewart (US 4,244,279). The Examiner has also rejected claims 18-19, 21-31 and 33-35 under 103(a) as being unpatentable over LeSuer in view of Stewart and further in view of Emert (US 5,498,809).

The Examiner also indicated that the claims currently on file are incommensurate with the scope of the experimental data provided. In view of this rejection the Applicant has amended the claims as described above. The concentrations of components (a) and (c) are now particularly specified as has been requested by the Examiner. It is

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submitted that each of the ranges represents a scientifically reasonable degree of breadth about the example provided. The person skilled in the art will expect that the demonstrated effect will persist throughout that range. New dependent claim 36 is also presented for the Examiner's consideration. In this claim, the range for component (a) is about 0.2 wt % to about 1 wt % of the composition and that for component (c) is about 0.4 wt % to about 2 wt %, thus even more particularly directed to the concentrations that were tested."

In view of the amendments described above, the Applicant submits that the amendment to claim 18 (and also new claim 36) obviates the 35 U.S.C. 103(a) rejections over the references cited by the Examiner because none of the references, teach, disclose or otherwise suggest the ranges presently claimed. Accordingly, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. 103(a) over the cited art and find all claims allowable.

Conclusion

For the foregoing reasons it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the undersigned is suggested.

The Commissioner is authorized to charge the required fees for filing this response in time to meet the 6 month deadline of the office action from The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

THE LUBRIZOL CORPORATION

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